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April 12, 2006

**VIA CM/ECF AND HAND DELIVERY**

The Honorable Kent A. Jordan  
United States District Court  
for the District of Delaware  
844 King Street  
Wilmington, DE 19801

**Re: McKesson Automation Inc. v. Swisslog Holding AG et al.**

Dear Judge Jordon:

I write to respectfully request that the Court proceed with setting a time for an initial Scheduling Conference under L.R. 16.2(a), notwithstanding that service has only recently been completed under Fed. R. Civ. P. 4(d) on Defendant Swisslog Holding AG and Swisslog Management AG, Swiss Corporations. Although Rule 4(d)(3) allows a foreign corporation waiving service under the rule 90 days from the date the waiver of service was sent, Petitioner respectfully submits that under the circumstances of this case, there is no reason not to immediately proceed with the initial conference and to commence discovery respecting the other defendant.

This action involves claims by Plaintiff McKesson Automation, Inc. ("McKesson") against Defendants Swisslog Holding AG ("Swisslog Holding"), Swisslog Management AG ("Swisslog Management") (collectively "Swisslog") and Translogic Corporation ("Translogic") for patent infringement.<sup>1</sup> Translogic is a Delaware Corporation and (upon information and belief) is the wholly owned subsidiary of Swisslog Holdings. The Complaint was filed on January 13, 2006 and was successfully served on Translogic on January 24, 2006. On March 15, 2006, after receiving two extensions, Translogic appeared through counsel and filed its Answer and Counterclaims. Throughout this period, counsel for McKesson and for Defendants conferred regarding the acceptance of service on behalf of the Swisslog entities as well as on the issues of initial discovery.

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<sup>1</sup> The claims against Defendant Swisslog North America were dismissed by Plaintiff by Notice of Dismissal filed earlier today after the parties conferred and it was determined that the named defendant was a trade name and not a separate entity.



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The Swisslog defendants, through their counsel Dickstein Shapiro Morin & Oshinsky LLP (the same counsel appearing on behalf of Translogic, the wholly owned U.S. subsidiary,) agreed to accept service under Fed. R. Civ. P. 4(d)(3) and McKesson also filed the Waiver of Service earlier today.

Despite the fact that the Swisslog entities have through June 12, 2006 to respond to the Complaint under the Federal Rules, they have nonetheless been "served" under L.R. 16(2)(9). Under the circumstances, there is no purpose served by delaying the commencement of this case.

Respectfully,

*Neal C. Belgam (By Dale Delie #2863)*

Neal C. Belgam  
(Del. I.D. No. 2721)

NCB:pb  
Enclosures

cc: Clerk of Court (via CM/ECF)  
Julia Heaney, Esquire (via CM/ECF and hand delivery)  
Lawrence C. Drucker, Esquire